



Book	Policy Manual
Section	200 Pupils
Title	Homeless Students
Number	251 Vol VII 2016
Status	First Reading

### **Authority**

The Board recognizes the need to promptly identify homeless children and youths within the district, facilitate their immediate enrollment, and eliminate existing barriers to their attendance and education, in compliance with federal and state laws and regulations.[1][2][3]

The Board shall ensure that homeless children and youths have equal access to the same educational programs and services provided to other district students.[1][2][3][4]

The Board, authorizes the Superintendent to waive district policies, procedures and administrative regulations that create barriers to the identification, enrollment, attendance, transportation, school stability and success in school of homeless children and youths.[3]

It is the policy of the Board that no student shall be discriminated against, segregated or stigmatized based on his/her homeless status.[5][6]

### **Definitions**

Enroll or Enrollment means attending classes and participating fully in school activities.[7]

Homeless children and youths means individuals who lack a fixed, regular and adequate nighttime residence, and includes:[7][8]

1. Children and youths who are:
  - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
  - b. Living in motels, hotels, trailer parks or camping grounds due to lack of alternative adequate accommodations;
  - c. Living in emergency, transitional or domestic violence shelters; or
  - d. Abandoned outside of his/her home as an unaccompanied youth.
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings;
4. Migratory children who qualify as homeless because they are living in circumstances described above; and

5. School-aged parents living in houses for school-aged parents if they have no other available living accommodations.

School of origin is the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. When the child or youth completes the final grade level served by the school of origin, the school of origin shall include the designated receiving school at the next grade level for all feeder schools.[6]

Unaccompanied youth means a homeless child or youth not in the physical custody of a parent or guardian. This includes youth who have run away from home; been abandoned or forced out of home by a parent, guardian or other caretaker; or separated from a parent or guardian for any other reason.[7]

### **Delegation of Responsibility**

The Board designates the Federal Programs Coordinator to serve as the district's liaison for homeless children and youths.[6]

The district's liaison shall ensure outreach and coordination with:[6]

1. Local social service agencies and other entities that provide services to homeless children and youths and families.
2. Other school districts on issues of prompt identification, transfer of records, transportation and other inter-district activities.
3. District staff responsible for the provision of services under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act.[9][10]
4. State and local housing agencies responsible for comprehensive housing affordability strategies.

The district's liaison shall ensure that public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents/guardians of homeless children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens. Such notice shall be provided in a manner and form understandable to the parents/guardians of homeless children and youths, and unaccompanied youths.[6]

The district's liaison shall provide reliable, valid and comprehensive data to the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness (ECYEH) Program in accordance with federal and state laws and regulations.[6]

### **Guidelines**

#### **Enrollment/Placement**

Best Interest Determination -

In determining the best interest of a child or youth, the district shall:

1. Presume that keeping the child or youth in the school of origin is in the child's or youth's best interest, except when doing so is contrary to the request of the parent/guardian or unaccompanied youth.[6]
2. Consider student-centered factors related to impact of mobility on achievement, education, health and safety, giving priority to the request of the parent/guardian or unaccompanied youth.[6]
3. If, after such consideration, the district determines that it is not in the child's or youth's best interest to attend the school of origin or the school requested by the parent/guardian or unaccompanied youth, the district shall provide the parent/guardian or unaccompanied youth with a written explanation of the reasons for its determination. The explanation shall be in a manner and form understandable to the parent/guardian or unaccompanied youth and shall include information regarding the right to appeal.[6]

Placement -

In accordance with the child's or youth's best interest, the district shall continue to enroll a homeless student in his/her school of origin while s/he remains homeless and through the end of the academic year in which s/he obtains permanent housing.[6]

Parents/Guardians of a homeless student may request enrollment in the school in the attendance area where the student is actually living or other schools.[6]

The district's liaison shall assist an unaccompanied youth in placement or enrollment decisions, giving priority to the views of the student in determining where s/he will be enrolled.[6]

The district shall provide the parent/guardian or unaccompanied youth with a written explanation of any district decision related to school selection or placement, including the right to appeal.[6]

#### Enrollment -

The selected school shall immediately enroll the student and begin instruction, even if:

1. The student is unable to produce records normally required for enrollment.[3][11][12][13][14][15][16][17]
2. The application or enrollment deadline has passed during any period of homelessness.[6][11]

The district's liaison shall immediately contact the school last attended by the child or youth to obtain relevant academics or other records.[6][11][12][13][14][15][16][17]

The district may require a parent/guardian to submit contact information.[6]

#### Assignment -

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.[6][18]

#### Dispute Resolution -

If a dispute arises over eligibility, enrollment or school selection:[6]

1. The parent/guardian or unaccompanied youth shall be referred to the district's liaison, who shall assist in the dispute resolution process.
2. The student shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.
3. The district's liaison shall issue a written decision of the dispute within twenty (20) business days of being notified of the dispute.

A parent/guardian or unaccompanied youth may appeal a district's written decision or file a complaint with the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.

#### Education Records

Information about a homeless child's or youth's living situation shall be treated as a student education record subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and shall not be deemed to be directory information.[16][17]

#### Comparable Services

Homeless students shall be provided services comparable to those offered to other district students including, but not limited to:[1][6][19]

1. Transportation services.[20]
2. School nutrition programs.[21]

3. Career and technical education.[22]
4. Preschool programs.
5. Educational programs for which the homeless student meets the eligibility criteria, such as:
  - a. Services provided under Title I or similar state or local programs.[23]
  - b. Programs for English Language Learners.[24]
  - c. Programs for students with disabilities.[10]
  - d. Programs for gifted and talented students.[25]

#### Transportation

The district shall provide transportation for homeless students to their school of origin or the school they choose to attend within the school district.[1][6][20]

If the school of origin is outside district boundaries or homeless students live in another district but will attend their school of origin in this district, the school districts shall agree upon a method to apportion the responsibility and costs of the transportation.[6]

#### Training

The district's liaison shall participate in professional development programs and other technical assistance activities offered by the Coordinator of Pennsylvania's Education for Children and Youth Experiencing Homelessness Program.[6]

The district's liaison shall arrange professional development programs for school staff, including office staff.[6]

School personnel providing services to homeless children and youths, including school enrollment staff, shall receive professional development and support to:[6]

1. Improve identification of homeless children and youths and unaccompanied youths;
2. Understand the rights of such children, including requirements for immediate enrollment and transportation; and
3. Heighten the awareness of, and capacity to respond to, the educational needs of such children.

Legal

1. 24 P.S. 1306
  2. 22 PA Code 11.18
  3. 42 U.S.C. 11431 et seq
  4. 34 CFR 299.19
  5. 42 U.S.C. 11431
  6. 42 U.S.C. 11432
  7. 42 U.S.C. 11434a
  8. 34 CFR 200.30
  9. Pol. 103.1
  10. Pol. 113
  11. Pol. 200
  12. Pol. 201
  13. Pol. 203
  14. Pol. 204
  15. Pol. 209
  16. Pol. 216
  17. Pol. 113.4
  18. Pol. 206
  19. Pol. 146
  20. Pol. 810
  21. Pol. 808
  22. Pol. 115
  23. Pol. 918
  24. Pol. 138
  25. Pol. 114
  - 22 PA Code 403.1
  - 20 U.S.C. 1232g
  - 20 U.S.C. 6301 et seq
  - 34 CFR Part 99
  - 67 Fed. Reg. 10698
- PA Education for Homeless Children and Youth State Plan

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Book	Policy Manual
Section	200 Pupils
Title	Educational Stability for Children in Foster Care
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### **Authority**

To ensure the educational stability of children in foster care, the Board requires the district to collaborate with the local children and youth agency and other school districts.[1][2][3]

### **Definitions**

Additional costs means the difference between what the district spends to transport a resident student to his/her assigned school and the cost to transport a child in foster care to his/her school of origin.

Foster care means twenty-four (24) hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.[4]

School of origin is the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.

### **Delegation of Responsibility**

The Board designates the Federal Programs Coordinator to serve as the district's point of contact for children in foster care.

The district's point of contact shall coordinate with:[1]

1. Local children and youth agency to:
  - a. Establish formal mechanisms to ensure that the district is promptly notified when a child enters foster care or changes foster care placements.
  - b. Develop a protocol on how to make best interest determinations; and
  - c. Develop and coordinate transportation procedures.

2. Other school districts on issues of transfer of records, transportation and other inter-district activities.

## **Guidelines**

### **Enrollment/Placement**

A child in foster care shall continue to be enrolled in his/her school of origin unless there is a determination that it is not in his/her best interest to attend the school of origin.[1]

#### **Best Interest Determination -**

The best interest determination shall be made in accordance with federal and state laws and regulations, court orders, and established local procedures.[1]

In determining whether it is in a child's best interest to remain in his/her school of origin, all factors relating to a child's best interest shall be considered, including the appropriateness of the current educational setting and proximity of foster care placement.[1]

Documentation related to the best interest determination shall be kept in the student's education record.

#### **Enrollment -**

When a child in foster care is placed in the district and seeks enrollment in district schools, the district's point of contact shall:[1][5]

1. Ensure the child is immediately enrolled and attending school, even if the records normally required for enrollment pursuant to district policies are not available.
2. Immediately contact the school last attended by the child to obtain relevant academic and other records.

#### **Dispute Resolution -**

If a dispute arises over the appropriate school placement for a child in foster care, to the extent feasible and appropriate, the child shall remain in his/her school of origin, pending resolution of the dispute.

#### **Assignment -**

If the district is unable to determine the student's grade level due to missing or incomplete records, the district shall administer tests or utilize appropriate means to determine the student's assignment within the school.[6]

#### **Student Who Has Exited Foster Care -**

A student who exited foster care may be permitted to finish the [7] semester in this district, if appropriate, without payment of tuition.

### **Education Records**

The district may disclose personally identifiable information from the education records of a student without written consent of the parent(s) or the eligible student if the disclosure is:[8]  
[9][10]

1. To comply with a court order authorizing the disclosure of education records in a case where a parent is a party to a proceeding involving child abuse or neglect or a dependency matter.
2. To an agency caseworker or other representative of a state or local child welfare agency, or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the state or tribal laws applicable to protecting the confidentiality of a student's education records.

### Transportation

The district shall ensure that children in foster care needing transportation to their school of origin will promptly receive transportation in a cost-effective manner.[2][11]

To ensure that transportation for children in foster care is provided, arranged, and funded, the district shall collaborate with the local children and youth agency to develop a local transportation plan.[2]

The transportation plan shall address the following:[2]

1. The procedure the district and local children and youth agency will follow to:
  - a. Promptly provide transportation for children in foster care;
  - b. Promptly arrange transportation for children in foster care; and
  - c. Ensure transportation is funded in a cost-effective manner and in accordance with Section 475(4)(A) of the Social Security Act.
2. How transportation costs will be covered if additional costs are incurred. Options include:[2]
  - a. The local children and youth agency agrees to reimburse the district;
  - b. The district agrees to pay for the cost;
  - c. The district and the local children and youth agency agree to share the costs; or
  - d. The district of origin, the district of current residence, and the placing children and youth agency agree to share the costs.
3. Dispute resolution procedures to ensure that any disagreements regarding the cost of transportation are resolved promptly and fairly, and do not impact a student's ability to remain in the school of origin during the dispute resolution process.[12]



The district shall submit the local transportation plan, including any updates or revisions, to the Pennsylvania Department of Education.

Transportation shall be provided to children in foster care in accordance with the local transportation plan regardless of whether transportation is provided to district students.[1][2]

### Training

The district's point of contact for children in foster care shall provide professional development and training to school staff on the Title I foster care provisions and education needs of children in foster care, as needed.

- Legal
1. 20 U.S.C. 6311
  2. 20 U.S.C. 6312
  3. 42 U.S.C. 675
  4. 45 CFR 1355.20
  5. Pol. 200
  6. Pol. 206
  7. Pol. 202
  8. 20 U.S.C. 1232g
  9. Pol. 113.4
  10. Pol. 216
  11. Pol. 810
  12. 34 CFR 299.13
- 34 CFR Part 99

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